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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

ROHINI KUMAR, an individual, on behalf  
of herself, the general public and those  
similarly situated,

Plaintiff,

v.

SALOV NORTH AMERICA CORP.,

Defendant.

CASE NO. 4:14-cv-02411-YGR

**DECLARATION OF JEANNE C. FINEGAN  
CONCERNING IMPLEMENTATION OF  
CLASS MEMBER NOTIFICATION**

Date: May 30, 2017

Time: 2:00 p.m.

Courtroom 1, Fourth Floor

Hon. Judge Yvonne Gonzalez Rogers

I, JEANNE C. FINEGAN declare as follows:

**INTRODUCTION**

1. I am President and Chief Media Officer of HF Media, LLC, a division of Heffler Claims Group which specializes in the design and implementation of court approved legal notice plans. This Declaration is based upon my personal knowledge as well as information provided to me by my associates and staff, including information reasonably relied upon in the fields of

1 advertising media and communications.

2 2. Pursuant to the Order Granting Preliminary Approval of Class Settlement, dated  
3 January 27, 2017 (“Order”) Heffler Claims was appointed as the Claim Administrator. (See Dkt.  
4 151, page 4, paragraph 5.)

5 3. I submit this Declaration in order to provide the Court and the parties to the action a  
6 report regarding the successful implementation of the Notice Program, including the overall reach  
7 of the Notice Program.

8 4. As described more fully below, the Notice Plan was successfully and timely  
9 implemented. In compliance with the Court’s Order, the Notice Plan commenced on February 27,  
10 2017, and was substantially completed by March 28, 2017. Combined, the media, including print  
11 and Internet banner ads and social media, reached an estimated 71 percent (exceeding our original  
12 projection) of the Class, as defined in the Settlement Agreement, with an estimated average  
13 frequency of 2.6 times.

#### 14 QUALIFICATIONS

15 5. A comprehensive description of my credentials and experience that qualify me to  
16 provide expert opinions on the adequacy of class action notice programs was previously filed with  
17 this Court on December 29, 2016. In summary, I have served as an expert, directly responsible for  
18 the design and implementation of hundreds of notice programs for class action and Federal Trade  
19 Commission Enforcement actions, some of which are the largest and most complex programs ever  
20 filed in both the United States and in Canada.

#### 21 NOTICE PROGRAM SUMMARY

22 6. In compliance with the Court’s Order, this Notice Program included the following  
23 components:

- 24 • Publication of a short-form notice (“Publication Notice”) in two nationally  
25 circulated consumer magazines;
- 26 • Online display banner advertising specifically targeted to reach Class  
27 Members;
- 28 • Social Media on Facebook;
- A national press release;

- An informational website ([www.snaoliveoilsettlement.com](http://www.snaoliveoilsettlement.com)) on which the notices and other important Court documents are posted; and
- A toll-free information line 1-844-702-2783 where Class Members can call 24/7 for more information about the Settlement, including, but not limited to, requesting copies of the Long Form Notice, Claim Form or Opt-Out Request Form.

### **NOTICE PLAN**

7. The Notice Program described and detailed below has was designed to specifically target Filippo Berio purchasers along with those who, more generally, purchase olive oil through a combination of targeted magazine, online media, and social media.

### **MAGAZINE**

8. *People Magazine* has a circulation of 3,452,000 with approximately 40,010,000 readers of the print edition. A one-half page, black and white ad was published once in the national edition of this magazine, which was available on newsstands March 17, 2017.

9. *Good Housekeeping* has a circulation of 4,300,000 with approximately 19,651,000 readers of the print edition. A one-half page, black and white ad was published once in the national edition of this magazine, which was available on newsstands March 14, 2017.

10. Attached as **Exhibit A** are tear sheets from the magazines.

### **INTERNET AND SOCIAL MEDIA**


11. According to GfK Mediamark Research and Intelligence LLC (“MRI”) data, nearly 86 percent of Filippo Berio consumers are online, which made online notice in this case particularly important.

12. In compliance with the Court’s Order, this program served over 164,569,276 impressions of banner ads and social media ads. Impressions were served with specific targeting to known Filippo Berio brand shoppers, along with those who have an affinity to purchase olive oil. Additionally, according to MRI data, over 65 percent of Fillipo Berio purchasers are over the age of 45, therefore, this program cast a slightly broader demographic net by serving impressions to consumers who are over the age of 45.

13. The banner ads were served across three internet networks, Aol, Conversant, and

1 Yahoo, each comprised of many hundreds of individual website partners. In total, banner ads were  
 2 served across more than 3,057 websites for this Notice Program. Attached as **Exhibit B** are screen  
 3 shots of the banner ads from various web properties.

4 14. The display banners provided information for visitors to self-identify as potential  
 5 Class Members, where they may “click” on the banner and then link directly to the official website  
 6 for more information and where they may register online, file a claim, or seek additional  
 7 information including frequently asked questions and important court deadlines and documents.

8 15. Banners also retargeted (served again as reminders) people who previously visited  
 9 the website but did not file a claim, or abandoned the claim prior to submission. Retargeted ads  
 10 were served, for a short time, to those individuals as a reminder. As part of our retargeting effort,  
 11 we are also mindful of privacy considerations. Therefore, an *AdChoices*<sup>1</sup>  (privacy) icon was  
 12 placed on all ads for those who choose not to be provided with continued reminders.

13 16. Further, the social media platform Facebook was included as part of the outreach.  
 14 Facebook ads targeted users who have liked or expressed an interest in Olive Oil purchases and  
 15 those who are over the age of 45. Attached as **Exhibit C** are screen shots of the Facebook ads.

#### 16 **PRESS RELEASE**

17 17. In compliance with the Order, a press release was issued across PR Newswire’s  
 18 US1 network on February 27, 2017. My staff and I monitored various media channels for  
 19 subsequent news articles and identified 142 various media pick-ups. To create additional visibility  
 20 the press release was issued a second time on March 20, 2017. Attached, as **Exhibit D** is a copy of  
 21 the Press Release and pick up report.

#### 22 **OFFICIAL SETTLEMENT WEBSITE**

23 18. In compliance with the Court’s Order, an official website,  
 24 [www.snaoliveoilsettlement.com](http://www.snaoliveoilsettlement.com), was established and optimized for mobile visitors so that  
 25 information loads on their mobile device quickly. The website served as a landing page for the  
 26 banner and social media advertising, where Class Members may continue to obtain further

27  
 28 <sup>1</sup> The AdChoices Icon is a sign for consumer information and control for interest-based advertising (which is also referred to as “online behavioral advertising.” The AdChoices Icon gives browsers the ability to control whether they receive interest-based advertising and from which companies.

1 information about the class action, their rights, and related information, including the Settlement  
 2 Agreement, Court Orders, and Plaintiffs' Motion for Approval of Fees, Expenses, and Incentive  
 3 Awards and online filing of claims. The website address was prominently displayed in the  
 4 publication notice and is accessible 24-hours a day, 7-days a week. Evidence for the success of  
 5 this notice program is found in the impressive amount of visitor traffic to this website. As of  
 6 April 6, 2017, 227,477 users<sup>2</sup> have visited the website with, 256,247 total sessions<sup>3</sup>. Attached as  
 7 **Exhibit E** are copies of all pages of the settlement website (excluding the documents that are  
 8 posted on the website as downloadable PDF documents).

#### 9 **TOLL FREE HELP LINE**

10 19. In compliance with the Court's Order, a toll free telephone helpline,  
 11 1-844-702-2783, was established and continues to be maintained by Heffler. It is available 24-  
 12 hours a day where callers may obtain information about the class action. To date, 214 calls have  
 13 been made to the IVR.

#### 14 **CLAIMS**

15 20. The Settlement Website includes a method for Class Members to submit claims  
 16 online. Class Members also may choose to download, print and mail a claim form.  
 17 As of April 6, 2017, Heffler had received 38,842 claims for settlement benefits. Of these 38,768  
 18 claims were for 10 bottles or less with an average of 7.7 bottles. Heffler received 74 claims for  
 19 more than 10 bottles with an average of 28.5 bottles. At this time, 45 of those 74 claims for greater  
 20 than 10 bottles lack proper proof of purchase and therefore, have been deemed deficient until  
 further documentation is provided.

#### 21 **EXCLUSION REQUESTS**

22 21. The Settlement Website includes a method for Class Members to submit online a  
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24 <sup>2</sup> User: The first time a device (desktop, laptop, smart phone etc.) or a browser (like chrome, internet explorer) loads  
 25 website content, Google Analytics ("GA") tracking code creates a random, unique id called the **client id** and sends it  
 26 the GA server. This unique ID is counted as a new unique user in GA. Every time a new ID is detected, GA counts a  
 27 new user. When GA detects an existing client ID in a new session, it recognizes it as a returning user. However, if the  
 28 user deletes the browser cookies, the ID will be deleted or reset. If the user switches devices or browsers on a return  
 visit to your website, a new unique client ID is created and the returning user is counted as a new user, as **client ID**  
**exist only on the device/browser where it has been set.** While GA attempts to count users as unique traffic,  
 duplication can occur due to cookie deletion and change of device.

<sup>3</sup> Sessions are a combination of all new and returning visitors.

1 request for exclusion from the class. Class Members also may choose to download, print and mail  
2 an exclusion form, or to submit any other written request to be excluded.

3 22. As of April 6, 2017, Heffler had not received any requests for exclusion.

4 **OBJECTIONS**

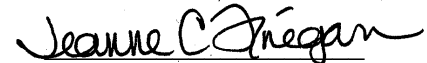
5 23. As of April 6, 2017, Heffler had not received any objections to final approval of the  
6 settlement.

7 **CONCLUSION**

8 24. Heffler has agreed to provide the notice and administration in this matter for a fixed  
9 fee of \$450,000.

10 25. In my opinion, the outreach efforts described above reflect a particularly  
11 appropriate, highly targeted and contemporary way to provide notice to this class, which is  
12 reasonably calculated to provide notice that is consistent with best practicable court-approved  
13 notice plans in similar matters and is consistent with the Federal Judicial Center's guidelines  
14 concerning appropriate reach. In total, the program exceeded our original projection to reach an  
15 estimated 71 percent of the class with an average frequency of 2.6 times.

16 26. I declare under the penalty of perjury under the laws of the United States of  
17 America that the foregoing is true and correct. Executed on April 11th, 2016, in Tigard, Oregon.

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20 Jeanne C. Finegan, APR  
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